

EXHIBIT Q

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**CONTAINS CONFIDENTIAL BUSINESS INFORMATION
SUBJECT TO PROTECTIVE ORDER**

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN COMPUTER AND
COMPUTER PERIPHERAL DEVICES
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-841

**ORDER NO. 40: DENYING RESPONDENT HITI DIGITAL, INC.'S MOTION FOR
SUMMARY DETERMINATION OF NON-INFRINGEMENT OF
U.S. PATENT NO. 7,522,424**

(December 27, 2012)

On November 5, 2012, respondent HiTi Digital, Inc. ("HiTi") moved for summary determination of non-infringement of the asserted claims of U.S. Patent Nos. 7,522,424 ("the '424 Patent"). (Motion Docket Nos. 841-042.) On November 15, 2012, complainant Technology Properties Limited LLC ("TPL") filed its opposition to the motion.

On November 26, 2012, HiTi filed a motion for leave to file a reply. (Motion Docket No. 841-055.) On December 6, 2012, TPL filed an opposition to the motion for leave to file a reply. Motion No. 841-055 is DENIED. As of the date of this order, no other responses have been received.

Pursuant to Commission Rule 210.18, summary determination "... shall be rendered if pleadings and any depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a summary determination as a matter of law." 19 C.F.R. § 210.18(b); *see also DeMarini Sports, Inc. v. Worth, Inc.*, 239 F.3d 1314, 1322 (Fed. Cir. 2001); *Wenger*

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Mfg., Inc. v. Coating Machinery Systems, Inc., 239 F.3d 1225, 1231 (Fed. Cir. 2001). The evidence “must be viewed in the light most favorable to the party opposing the motion . . . with doubt resolved in favor of the nonmovant.” *Crown Operations Int’l, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 1375 (Fed. Cir. 2002); *see also Xerox Corp. v. 3Com Corp.*, 267 F.3d 1361, 1364 (Fed. Cir. 2001) (“When ruling on a motion for summary judgment, all of the nonmovant’s evidence is to be credited, and all justifiable inferences are to be drawn in the nonmovant’s favor.”). “Issues of fact are genuine only if the evidence is such that a reasonable [fact finder] could return a verdict for the nonmoving party.” *Id.* at 1375 (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). The trier of fact should “assure itself that there is no reasonable version of the facts, on the summary judgment record, whereby the nonmovant could prevail, recognizing that the purpose of summary judgment is not to deprive a litigant of a fair hearing, but to avoid an unnecessary trial.” *EMI Group North America, Inc. v. Intel Corp.*, 157 F.3d 887, 891 (Fed. Cir. 1998). “Where an issue as to a material fact cannot be resolved without observation of the demeanor of witnesses in order to evaluate their credibility, summary judgment is not appropriate.” *Sandt Technology, Ltd. v. Resco Metal and Plastics Corp.*, 264 F.3d 1344, 1357 (Fed. Cir. 2001) (Dyk, J., concurring). “In other words, ‘[s]ummary judgment is authorized when it is quite clear what the truth is,’ [citations omitted], and the law requires judgment in favor of the movant based upon facts not in genuine dispute.” *Paragon Podiatry Laboratory, Inc. v. KLM Laboratories, Inc.*, 984 F.2d 1182, 1185 (Fed. Cir. 1993).

HiTi raises two arguments in support of its motion for summary determination. First, HiTi contends that all of the asserted claims of the ’424 Patent require that the controller that

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performs the mapping operations in the claims must be physically located between the interconnection pins and the contact pins. (HiTi Br. at 1.) HiTi argues that its controller is not physically located between the interconnection pins and the contact pins (it is located on the other side of the circuit board), so it cannot infringe the asserted claims as a matter of law. (*Id.*) Second, HiTi argues that even if the controller does not need to be physically located between the interconnection pins and the contact pins, its products do not infringe because the contact pins are permanently connected to the interconnection pins and thus, its controller does not perform a “mapping” function. (*Id.* at 14.)

TPL opposes the motion arguing that nothing in the claim language requires that the controller be physically located between the interconnection pins and the contact pins. Furthermore, TPL argues that there are disputed issues of material fact because TPL’s expert has opined that HiTi’s products perform the mapping function.

The ALJ DENIES the motion. First, HiTi’s contention that the controller must be located “between” the interconnection means and the contact pins can be easily dispatched. HiTi simply (inexcusably) misreads the claim language. The ALJ agrees with TPL that there is nothing that requires that the controller be physically located between the interconnection pins (interconnection means) and the contact pins. The ALJ further agrees with TPL that the phrase “between said interconnection pins and said one or more contact pins...” is modifying “data signals” not the physical means that is accomplishing it. Thus, the ALJ finds that HiTi’s first argument for summary determination is without merit.

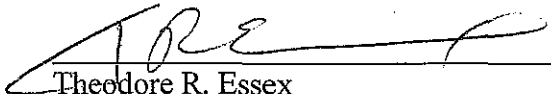
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Second, as for HiTi's argument that its products do not infringe because the contact pins are permanently connected to the interconnection pins and thus, their controller does not perform a "mapping" function, the ALJ finds that disputed issues of material fact prevent entry of summary determination of non-infringement. In particular, the ALJ finds that TPL presented a declaration of its expert where he states that HiTi's products do perform the mapping function. HiTi presented no expert testimony in support of its contention that its products do not meet the mapping element. As such taking all inferences in favor of TPL, there are disputed issues of material fact concerning whether HiTi's products meet the disputed claim limitation. Thus, HiTi's second argument fails as well.

Accordingly, Motion Docket No. 841-042 is DENIED.

Within seven days of the date of this document, each party shall submit to the Office of the Administrative Law Judges a statement as to whether or not it seeks to have any portion of this document deleted from the public version. Any party seeking to have any portion of this document deleted from the public version thereof shall also submit to this office a copy of this document with red brackets indicating any portion asserted to contain confidential business information. The parties' submissions may be made by facsimile and/or hard copy by the aforementioned date. The parties' submissions concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.



Theodore R. Essex
Administrative Law Judge

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CONFIDENTIAL CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served upon the following parties as indicated on **December 27, 2012**.



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Certificate of Service – Page 2

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